

### REMARKS

In the Office Action mailed January 17, 2006, the Examiner rejected claims 1-10 and 16-20 and objected to claim 21. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 1-3, 6, 8, 16 canceled claim 5 and added new claims 22-27. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

#### I. Claim Rejection under 35 USC 102 and 103

The Office Action rejected claims 1-10 and 16-20 as being anticipated by or obvious in view of one or more of the following references: Barz et al. (US 6,103,341); Wycech (US 5,755,486); Schmidt et al. (US 3,692,620); Cydzik et al. (6,114,004); Agrawal (US 5,707,473), and Wycech (US 6,332,731).

Applicants have amended claim 1 and several claims dependent thereon. Applicants believe that these claims are patentable over the prior art for the following reasons:

Claim 1 now recites a process that provides thermosettable material that is either a sheet molding compound or a bulk molding compound wherein the thermosettable material includes fiber reinforcement material and is molded to form a carrier of a reinforcement member. Applicants contend that the prior art does not particularly motivate, teach or suggest the use of a bulk or sheet molding compound in forming a carrier of a reinforcement member. Additionally, the inclusion of the fiber reinforcement material even more particularly distinguishes the bulk or sheet molding compound from the prior art. Moreover, claims 6, 7, 22, 23 and 27 provide even further distinction by specifying the reinforcement material as being glass fibers, as including at least 50 %

fibers having a length greater than about 1.5 inches, as being 10 to 40% by weight of the thermosettable material or combinations thereof.

Claim 1 also recites the activatable material forming a high compressive strength epoxy based structural foam, which, either by itself or in combination with the other limitations of claim 1, distinguishes the claimed process of forming and using a reinforcement from processes of forming and using baffles or cavity sealing devices.

Claim 1 also recites language suggesting molding the thermosettable material "at an elevated temperature". Such language further distinguishes the process of claim 1 from much of the prior art since that prior art typically employed injection molding of thermoplastic materials and such injection molding typically includes cooling of the molds as opposed to heating. Moreover, claim 10 provides even further distinction by specifying the mold temperatures.

## II. New Claims

Applicants have added new dependent claims 22-27. Applicants contend that the prior art does not motivate, teach or suggest the language of these claims when that language is taken in conjunction with the language of the claims upon which they depend.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every

nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

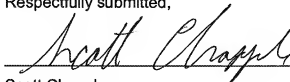
### **CONCLUSIONS**

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

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